1942.

File No. Distt. Poll II/42

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Legal DEPARTMENT

B. BRANCH

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~~Subject:~~

Rules and Notifications under the Bombay District Police Act 1890.

File No. Distt. Poll II/42

322-B

Std. Sectt. Slip. 21 A

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Office of the H.L.A.

A revised draft rule is sent herewith. Section 30A of the Bombay District Police Act, 1860, empowers a District Magistrate to make rules for licensing and controlling theatres and other places of public amusement. Under section 68(a) of the Act, contravention of a rule made under section 30A is an offence. The power to make rules for licensing and controlling theatres and other places of public amusement conferred by section 30A cannot be held to include a power to make rules for controlling the erection of buildings which would be subsequently used as theatres or places of public amusement. The rule, therefore, as worded by H.D. at page 35 ante is open to objection. The object in view can be achieved by providing in the rule that no license shall be granted unless a certificate about the location of the site or premises has been obtained from the licensing officer as provided in the rule. The rule has, therefore, been suitably revised. It may be numbered as rule 6-A in the existing rules.

Yd/———— 16/4

Secretariat of Legal Affairs.

U.R. to H.D.(Political) No. 3310 dated the 17th April 1942.

B.K.S. 27/4.

Draft Rule.

6 (1) No license for premises shall be granted unless a certificate relating to the location of the theatre or other place of public amusement has been obtained as provided in this rule.

(2) Any person desirous of erecting a building on any site for the purpose of using it as a theatre or place or public amusement or of converting or using any existing premises for the said purpose may give an intimation to the licensing officer of his intention to do so.

(3) On receipt of such intimation, the licensing officer may, if he thinks it necessary, notify the public of such intention in such manner as he deems fit, for the purpose of inviting objections.

(4) Without prejudice to his right to refuse to grant a license under rule 11, the licensing officer may, after considering the objections, if any, grant a certificate that there is no objection to the location of the theatre or place of public amusement on the site or at the premises referred to in sub-rule (2) or refuse to grant such certificate.

B.K.S. 27/4.

Office of the R.L.A.

The requisite draft Order providing for the appointment of additional police officers is sent herewith.

Sd/- P.N.U. 22/8
Remembrancer of Legal Affairs.

U.O. to H.D. (Special) No.6901 dated 24th August 1943.

D.K.S. 27/4.

Order.

No. -In exercise of the powers confused by section 22A of the Bombay District Police Act, 1890 (Bom. IV of 1890) the Government of Bombay is hereby pleased to appoint with effect from——for a period of three months in the first instance the persons named in column 1 in the Schedule appended hereto as additional police officers of the rank and grade specified in column 2 of the said Schedule to enforce the provisions of the Bombay District Police Act, 1890, the Indian Penal Code (XLV of 1860), Code of Criminal Procedure (V of 1898), the Indian Railway Act, 1890 (IX of 1890) and the Defence of India Act, 1939 (XXXV of 1939) in respect of the following classes of offences, namely :-

(1) Offices under Chapter VI of the Bombay District Police Act, 1890;

(2) Offences under Chapters VIII, IX X, XVI and XVII of the Indian Penal Code;

(3) Offences under Chapter IX of the Indian Railways Act, 1890; and

(4) Offences under Parts II, VI, IX and X of the Defence of India Rules.

Schedule.

1	2
(Here name the persons appointed as additional police officers).	Here specify the rank and grade).

By order of the Governor of Bombay,

Secretary to Government.

B.K.S. 27/4.

Office of the R.L.A.

As observed in the Remembrancer of Legal Affairs' opinion No. 6948, dated 19th December 1936, the provisions of the Cinematograph Act, 1918, do not in any manner affect, much less restrict, the powers exercisable by the licensing authority under the rules made by the District Magistrate under section 39A of the Bombay District Police Act, 1890. Rule 37 of the Theatre Rules is intra vires the provisions of section 39A of the District Police Act, and the District Magistrate is legally competent under the said rule to insist upon the production of the original paper certificate to be produced before him even in cases where no part of the film has been excised by the certifying Board of File Censors. It is for the administrative department to consider whether rule 37 of the Theatre Rules may be amended in view of the request made by the Association to provide that in the case of a film any part of which has not been excised it would be sufficient compliance with the demand made under rule 37 if the trailer certificate in respect of such file is produced or exhibited before the licensing officer or the police officer, as the case may be. If the rule is thus amended the Association will have no for complaint.

Sd/-P.N.M. 27/11
Remembrancer of Legal Affairs.

U.R. to H.D. (Poll) No.9566 dated the 28th November 1942.

B.K.S. 27/4.